

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

KIERON MANN

Case No. 1:14-mj-19

FILED  
ASHEVILLE, N.C.

MAR 18 2014

U.S. DISTRICT COURT  
W. DIST. OF N.C.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 26, 2014 in the county of Henderson in the Western District of North Carolina, the defendant(s) violated:

Code Section

18 USC 2252A(a)(5)

Offense Description

Possession of Child Pornography

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Jason Conboy, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: March 18, 2014

Judge's signature

City and state: Asheville, North Carolina

Dennis L. Howell, Magistrate Judge

Printed name and title

Western District of North Carolina

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

FILED  
ASHEVILLE, N.C.  
MAR 18 2014  
U.S. DISTRICT COURT  
W. DIST. OF N.C.

IN THE MATTER OF THE  
COMPLAINT AND ARREST OF:

KIERON MANN

Case No. 1:14-mj-19

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AFFIDAVIT IN SUPPORT OF A COMPLAINT AND ARREST OF  
KIERON MANN

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I, Jason Conboy, Special Agent, Homeland Security Investigations, being duly sworn, state the following:

1. I am a "federal law enforcement officer" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered to conduct investigations of, and make arrests for, the offenses enumerated in Title 8, 18, 19, 21, 31, United States Code and other related offenses.
2. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been so employed from November 2007, to the present. I am currently assigned to HSI Hendersonville, North Carolina office. As part of my official duties, I have conducted and participated in investigations relating to narcotics smuggling, human smuggling and trafficking, document fraud, and child pornography and child exploitation investigations.

3. I am investigating the possession of child pornography by Kieron MANN. As will be shown below, there is probable cause to believe that Kieron MANN has possessed child pornography, in violation of 18 U.S.C. § 2252A. I submit this application and affidavit in support of a complaint and arrest of Kieron MANN.
4. The information contained in this affidavit is based on my personal participation in this investigation and from information provided to me by other law enforcement officers. Since this affidavit is being submitted for the limited purpose of establishing probable cause to support the arrest of Kieron MANN (hereinafter referred to as MANN), I have not included each and every fact known to me concerning this investigation and have set forth only those facts that I believe are necessary for said purpose.

#### **STATUTORY AUTHORITY**

5. This investigation concerns alleged violations of 18 U.S.C. § 2252A relating to material involving the sexual exploitation of minors.
  - a. 18 U.S.C. § 2252A(a)(5)(B) prohibits the knowing possession or access with intent to view material which contains an image of child pornography that has been mailed, shipped or transported using any means or facility of interstate or foreign commerce, shipped or transported in or affecting interstate or foreign commerce, or was produced using materials that have been mailed, shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

#### **DEFINITIONS**

6. The following definitions apply to this Affidavit:

- a. "Child Pornography" includes any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct; (b) the visual depiction was a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct; or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct. *See* 18 U.S.C. § 2256(8).
- b. "Computer" refers to "an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device." *See* 18 U.S.C. § 1030(e)(1).
- c. "Minor" means any person under the age of 18 years. *See* 18 U.S.C. § 2256(1).
- d. "Sexually explicit conduct" refers to actual or simulated (a) sexual intercourse (including genital-genital, oral-genital, or oral-anal), whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic areas of any person. *See* 18 U.S.C. § 2256(2)(A).

#### **PROBABLE CAUSE**

- 7. On February 25, 2014, HSI Special Agent Jason Conboy received a federal search warrant for 144 Willard Lane, Hendersonville, North Carolina 28792 that was issued by United States Magistrate Judge Dennis L. Howell for the Western District of North Carolina (Case number: 1:14mj12). The search warrant was issued for violations of child

pornography laws. On February 26, 2014, HSI Special Agents and other law enforcement officers executed the federal search warrant for 144 Willard Lane, Hendersonville, North Carolina 28792.

8. Agents and Officers encountered MANN living at 144 Willard Lane, Hendersonville, North Carolina 28792. Agents explained to MANN the reason for the search warrant and asked if he wanted to speak to agents. MANN was told he was not under arrest and free to leave at any time. MANN agreed to speak to Agents.
9. MANN stated he lives at 144 Willard Lane, Hendersonville, North Carolina 28792 alone. MANN further stated he has lived at this residence for approximately three (3) years. MANN stated he has two (2) computers that he currently uses at his residence. MANN stated the computers are a Mac Mini and a Mac laptop. MANN stated he has Morris Broadband for a cable internet service and has a Wi-Fi network setup for his home that is password protected. MANN stated he was arrested by the Federal Bureau of Investigation (FBI) in 1995 for violations of federal child pornography charges.
10. Special Agents (SAs) seized a large amount of electronic items from the residence of MANN pursuant to the federal search warrant. These items include a Mac Mini computer, a Mac Book Pro, an iPhone 4s, and an iPhone 5s.
11. On March 03, 2014, all of the evidence seized from the residence of MANN was turned over to HSI Computer Forensic Agent (CFA) James Burns for forensic analysis. On March 13, 2014, CFA Burns discovered images and videos on the Mac Mini that belongs to MANN. These images and videos depict child pornography. These images and videos were discovered under the user Kieronmann/Pictures/iPhoto Library. These images and

videos showed data that revealed they were taken on 10/05/2013 in the area of the Turkey Pen Road, Pisgah National Forest, North Carolina. These images and videos depict a single pre-pubescent minor boy approximately 3-7 years of age with blonde hair and blue eyes.

12. On March 17, 2014, HSI SA Conboy received one (1) disc from HSI CFA Burns containing images and videos related to the Mac Mini that was seized from MANN. The disc contained 12 images and four (4) videos. Listed below is a description of two (2) of the images and one (1) of the videos from the disc:

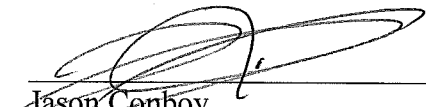
Image name: IMG\_0664.JPG  
Image description: This image depicts a pre-pubescent minor boy approximately 3-7 years of age. The minor boy is standing in a wooded area by a tree. The minor boy is standing with his pants at his ankles and his shirt pulled up and his penis is visible clear in the image.

Image name: IMG\_0669.JPG  
Image description: This image depicts a pre-pubescent minor boy approximately 3-7 years of age. The minor boy is standing in a wooden area. The minor boy is bent over with his pants at his ankles. The minor boy has hands spreading apart his buttocks to expose his anus. The minor boy appears to be the same minor boy depicted in IMG\_0664.JPG

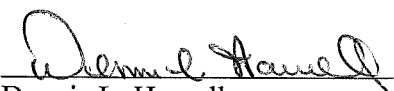
Video name: IMG\_0671  
Video description: This video depicts a pre-pubescent minor boy approximately 3-7 years of age. The minor boy is in a wooden area. The minor boy is shown giving oral sex to what appears to be an adult male. A large hairy belly is shown along with the adult male's penis. The adult male's voice can be heard and it sounds like the voice of Kieron MANN. The adult male is also wearing a distinct pair of "five toe" shoes that I have seen MANN wear previously.

**CONCLUSION**

13. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that Kieron MANN did possess child pornography in violation of 18 U.S.C. § 2252A.
14. Your affiant, therefore, respectfully requests that the attached warrant be issued authorizing the arrest of Kieron MANN.

  
\_\_\_\_\_  
Jason Conboy  
Special Agent  
Homeland Security Investigations

Sworn and subscribed before me this 18th day of March 2014.

  
\_\_\_\_\_  
Dennis L. Howell  
UNITED STATES MAGISTRATE JUDGE  
WESTERN DISTRICT OF NORTH CAROLINA